

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABB INC.
Petitioner,

v.

ROY-G-BIV CORPORATION
Patent Owner

Case IPR2013-00062
Case IPR2013-00074
Patent 6,516,236 B1
Patent 8,073,557 B2

Before, THOMAS L. GIANNETTI, BRYAN F. MOORE, and
JENNIFER S. BISK, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

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The Board initiated a conference call with counsel for the parties on November 18, 2013. In addition to counsel for Petitioner, ABB Inc., and Patent Owner, Roy-G-Biv Corporation, Administrative Patent Judges Giannetti, Bisk, and Moore participated in the call. The purpose of the call was to address:

1. Petitioner's request to withdraw its motion to seal certain exhibits in IPR2013-00074;
2. Patent Owner's motion to seal certain exhibits;
3. Patent Owner's request to file an "updated" motion to seal;
4. Patent Owner's email of November 14, 2013 reporting the results of the "meet and confer" required by the Board's previous order.

After due consideration of the issues, the Board determined the following:

1. Petitioner's request to withdraw its motion to seal in IPR2013-00074 is denied. The same motion was filed in IPR2013-00062. The Board's Order in IPR2013-00062 denying the motion was intended to apply also to IPR2013-00074. The Board therefore denies the motion filed in IPR2013-00074 for the reasons stated in IPR2013-00062, Paper 50. Petitioner's request to withdraw the motion is denied as moot.

2. Patent Owner's motion to seal and its request to file an "updated" motion to seal likewise are denied as moot in light of the outcome of the conference.

3. The Board determined that Patent Owner has made a good faith effort to resolve the issues raised by these motions. Patent Owner reports that it has culled down to five the number of exhibits that require redaction. The Petitioner and Patent Owner represent that redactions are not extensive and the redacted material is not necessary to determine the issue for which the exhibits are being offered by

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Petitioner. The Board, therefore, directed the Petitioner to file the redacted exhibits in substitution for the corresponding exhibits that have been sealed.

In view of the foregoing, it is therefore,

ORDERED that Petitioner's request to withdraw its motion to seal in IPR2013-00074 is denied;

FURTHER ORDERED that Patent Owner's motion to seal and its request to file an "updated" motion to seal are denied;

FURTHER ORDERED for a period of five business days after entry of this Order, Petitioner is authorized to substitute redacted exhibits for any of the exhibits that are the subject of Patent Owner's motion to seal, viz., Exhibits 1110-16, 1120, 1122-26, and 1128-29. The unredacted version of those Exhibits may be withdrawn. Patent Owner and Petitioner will agree in advance on the redactions, which will be minimized, not to include any information that is necessary to the issue for which the Exhibits are offered;

FURTHER ORDERED that following expiration of that five-day period, the Exhibits identified in the preceding paragraph will be unsealed by the Board and made available to the public.

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